

ESTTA Tracking number: **ESTTA597432**

Filing date: **04/09/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	JAGUAR LAND ROVER LIMITED
Granted to Date of previous extension	04/09/2014
Address	ABBEY ROAD WHITLEY, COVENTRY, CV3 4LF UNITED KINGDOM
Attorney information	JENNIFER K. ZIEGLER BROOKS KUSHMAN, P.C. 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075 UNITED STATES gdavis@brookskushman.com, jziegler@brookskushman.com, jziegler@brookskushman.com

Applicant Information

Application No	85890498	Publication date	12/10/2013
Opposition Filing Date	04/09/2014	Opposition Period Ends	04/09/2014
Applicant	APB (Shenzhen) Holding Ltd. RM2307-2308 Foreign Trade Group BLDG ShenZhen, CNX CNX		

Goods/Services Affected by Opposition


Class 009. First Use: 2013/03/01 First Use In Commerce: 2013/03/01 All goods and services in the class are opposed, namely: Computers; Computer peripheral devices; Telephone apparatus; Satellite navigational apparatus, namely, navigation apparatus for vehicles; Cell phone straps; Telephone sheath for holding and protecting the telephone; Cabinets for loudspeakers; Loudspeakers; Sound transmitting apparatus; Headphones; Earphone; Semi-conductors; Computer chips; Electric Switches; Video screens; Chargers for electric batteries; Electric batteries; Solar batteries; Computer memory hardware


Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	541722	Application Date	03/17/1949
Registration Date	05/01/1951	Foreign Priority Date	NONE
Word Mark	LAND ROVER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 012. First use: First Use: 0 First Use In Commerce: 0 MOTOR CARS, [COMMERCIAL MOTOR ROAD VEHICLES] -NAMELY, [TRUCKS, TRUCK TRAILER COMBINATIONS,] ESTATE WAGONS [, AND STRUCTURAL PARTS THEREOF]		


U.S. Registration No.	1201939	Application Date	01/13/1981
Registration Date	07/20/1982	Foreign Priority Date	NONE
Word Mark	LAND ROVER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 012. First use: First Use: 1949/00/00 First Use In Commerce: 1951/00/00 Automobiles [and Structural Parts Therefor]		

U.S. Registration No.	2767628	Application Date	09/21/2001
Registration Date	09/23/2003	Foreign Priority Date	NONE
Word Mark	LAND ROVER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 012. First use: First Use: 1949/03/17 First Use In Commerce: 1949/03/17		

	motor vehicles, namely, automobiles, sport-utility vehicles, [trucks and vans,] and structural parts and engines therefor; bicycles
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U.S. Registration No.	3485024	Application Date	08/09/2006
Registration Date	08/12/2008	Foreign Priority Date	NONE
Word Mark	LAND ROVER		
Design Mark			
Description of Mark	The mark consists of the words "LAND ROVER" inside an oval with zag Z elements after "LAND" and before "ROVER".		
Goods/Services	Class 012. First use: First Use: 1948/00/00 First Use In Commerce: 1986/00/00 Sports utility vehicles		

U.S. Registration No.	929034	Application Date	07/13/1970
Registration Date	02/15/1972	Foreign Priority Date	NONE
Word Mark	RANGE ROVER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 012. First use: First Use: 0 First Use In Commerce: 0 ROAD AND CROSS-COUNTRY MOTOR CAR OF THESTATION-WAGON TYPE AND STRUCTURAL PARTSTHEREOF		

U.S. Registration No.	4053166	Application Date	05/03/2011
Registration Date	11/08/2011	Foreign Priority Date	NONE
Word Mark	RANGE ROVER		
Design Mark			
Description of Mark	The mark consists of the letters "RANGEROVER" with the word "RANGE" directly above the word "ROVER".		
Goods/Services	Class 012. First use: First Use: 2010/09/30 First Use In Commerce: 2010/09/30 Automobiles and structural parts therefor		

Attachments	73292901#TMSN.gif(bytes) 76315284#TMSN.gif(bytes) 78948722#TMSN.jpeg(bytes) 85310533#TMSN.jpeg(bytes) Notice of Opposition GEEK ROVER and Design.pdf(268701 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/jennifer ziegler/
Name	JENNIFER K. ZIEGLER
Date	04/09/2014

Ltd. (“Applicant”) shown in U.S. Trademark Application Serial No. 85/890,498, and hereby opposes the same.

Requests for an extension of time to oppose were filed on January 9, 2014 and February 6, 2014 and were granted, extending the time to file to April 9, 2014.

As grounds of opposition, Opposer alleges that:

1. Opposer and its predecessors have manufactured and sold vehicles, vehicle parts and accessories, and a wide variety of related automotive and non-automotive goods and services worldwide for over 60 years.

2. Since at least as early as 1948, Opposer has owned and used the trademark LAND ROVER in connection with motor vehicles, vehicle parts and accessories, and related automotive and non-automotive goods and services in the United States and throughout the world.

3. Since at least as early as 1970, Opposer has owned and used the trademark RANGE ROVER in connection with motor vehicles, vehicle parts and accessories, and related automotive and non-automotive goods and services in the United States and throughout the world.

4. In the United States, Opposer is the owner of, among others, U.S. Trademark Registration Nos. 541,722 (registered May 1, 1951), 1,201,939 (registered July 20, 1982), 2,767,628 (registered September 23, 2003), and 3,485,024 (registered August 12, 2008) for LAND ROVER covering motor vehicles, vehicle parts and accessories, and related goods in Class 12. These registrations are incontestable, valid and subsisting, uncanceled and unrevoked.

5. In the United States, Opposer is the owner of, among others, U.S. Trademark Registration Nos. 929,034 (registered February 15, 1972) and 4,053,166 (registered November 8,

2011) for RANGE ROVER covering motor vehicles, vehicle parts and accessories, and related goods in Class 12. The 929,034 registration is incontestable, valid and subsisting, uncanceled and unrevoked.

6. Opposer has expended considerable time, effort and expense in advertising and promoting the LAND ROVER and RANGE ROVER trademarks and the goods associated with them throughout the United States, with the result that the purchasing public has come to know and recognize products of Opposer by the LAND ROVER and RANGE ROVER trademarks. Opposer has exceedingly valuable goodwill established in its LAND ROVER and RANGE ROVER trademarks.

7. Applicant is seeking to register GEEK ROVER and Design as a trademark for the following goods:

Class 9: Computers; Computer peripheral devices; Telephone apparatus; Satellite navigational apparatus, namely, navigation apparatus for vehicles; Cell phone straps; Telephone sheath for holding and protecting the telephone; Cabinets for loudspeakers; Loudspeakers; Sound transmitting apparatus; Headphones; Earphone; Semi-conductors; Computer chips; Electric Switches; Video screens; Chargers for electric batteries; Electric batteries; Solar batteries; Computer memory hardware.

This is evidenced by publication of the mark in the *Official Gazette* on December 10, 2013. Applicant filed this application on March 29, 2013.

8. There is no issue as to priority. Opposer used, filed and registered the LAND ROVER and RANGE ROVER trademarks in connection with its goods and services long prior to Applicant's March 29, 2013 filing date.

9. Upon information and belief, Applicant did not use its GEEK ROVER and Design mark prior to Opposer's first use of LAND ROVER and RANGE ROVER.

10. Because the purchasing public has come to recognize and associate the products of Opposer by the LAND ROVER and RANGE ROVER marks, Applicant's proposed GEEK ROVER and Design mark is likely to be confused with or suggest a connection to Opposer.

12. Opposer is not connected with the goods sold by Applicant under its GEEK ROVER and Design mark.

13. The fame and reputation of Opposer is such that, if Applicant's GEEK ROVER and Design mark is used with Applicant's designated goods, a connection with Opposer will be presumed.

14. Through extensive use and promotion of the LAND ROVER and RANGE ROVER marks by Opposer and/or its authorized dealers, Opposer's LAND ROVER and RANGE ROVER marks have become distinctive and famous as defined under Section 43(c)(2) of the Lanham Act, as amended, 15 USC 1125(c)(2), and they were famous prior to the filing date of Applicant's application for the GEEK ROVER and Design mark.

15. Applicant's GEEK ROVER and Design mark in Application No. 85/890,498 so resembles Opposer's LAND ROVER and RANGE ROVER marks and the goods identified are so closely related to the goods of Opposer as to be likely, when used in connection with Applicant's goods, to cause confusion, or to cause mistake, or to deceive in violation of Section 2(d) of the Lanham Act, 15 USC §1052(d).

16. Applicant's GEEK ROVER and Design mark in Application No. 85/890,498 so resembles Opposer's LAND ROVER and RANGE ROVER marks and the goods identified are so closely related to the goods of Opposer as to be likely, when used in connection with

Applicant's goods, to falsely suggest a connection with Opposer in violation of Section 2(a) of the Lanham Act, 15 USC §1052(a).


17. Applicant's GEEK ROVER and Design mark in Application No. 85/890,498 is likely to cause, and will cause, dilution of the distinctive value of Opposer's LAND ROVER and RANGE ROVER marks in violation of Section 43(c) of the Lanham Act, 15 USC §1125(c).

18. If Applicant were granted the registration herein opposed, it would obtain at least a *prima facie* exclusive right to use of the GEEK ROVER and Design mark in connection with the designated goods. Such registration would be a source of injury and damage to Opposer's prior and established rights in its LAND ROVER and RANGE ROVER marks.

WHEREFORE, Opposer respectfully requests that registration of the GEEK ROVER and Design mark, Application Serial No. 85/890,498, be refused and that this opposition be sustained.

The fee required under 37 C.F.R. § 2.6(a)(17) is being paid electronically concurrently with the filing of this Notice of Opposition. If the filing fee is found to be insufficient for any reason, please charge such deficiency to the deposit account.

Respectfully submitted,

By: 
Jennifer K. Ziegler
Dorne J. McKinnon-Rybicki

Attorneys/Agents for Opposer

Date: April 9, 2014

BROOKS KUSHMAN P.C.
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CERTIFICATE OF SERVICE

I certify that I served:

NOTICE OF OPPOSITION

On April 9, 2014 by First Class Mail and electronic mail to:

Roberto Ledesma
Law Office of Roberto Ledesma
P.O. Box 230692
New York, NY 10023-0012

Courtesy Copy via electronic mail to RL@EverythingTrademarks.com

Attorney/Agent for Applicant for GEEK ROVER and Design mark

By: 
Jennifer K. Ziegler
Attorneys/Agents for Opposer